

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

vs.

EEL RIVER INVESTMENT COMPANY,  
STERNE, AGEE & LEACH, INC., et. al.,

Defendants.

NO. 04-5623 RBL

**STIPULATION AND [PROPOSED]  
ORDER REGARDING F.R.C.P. 60  
RELIEF FROM ORDERS ON COSTS**

**STIPULATION**

Plaintiff U.S. Bank National Association (“U.S. Bank”) and Defendant Sterne Agee & Leach, Inc. (“SAL”), by through their respective undersigned counsel of record, stipulate and agree as follows:

In light of the Ninth Circuit Court of Appeals’ decision to vacate the District Court’s prior judgment in favor of SAL and remand the action for further proceedings, SAL agrees that it is not at this time entitled to the \$15,912.73 in costs taxed against U.S. Bank in this Court’s July 17, 2006 Order (Dkt. #416) and that the aforesaid Order should be vacated. By extension, this applies equally to this Court’s superceded Taxation of Costs, dated June 20, 2006 (Dkt. #406). U.S. Bank did not pay the \$15,912.73 while its appeal was pending before the Ninth Circuit Court of Appeals.



1           Accordingly, the parties respectfully request the Court to enter an Order in the form  
2 provided below.

3           DATED and AGREED by the parties hereto through their respective counsel of record  
4 this 24th day of July, 2008.

5  
6 DORSEY & WHITNEY LLP

HASKELL SLAUGHTER YOUNG &  
REDIKER LLC

7  
8 /s/ Shawn Larsen-Bright  
9 Peter Ehrlichman, WSBA #6591  
10 Curt Roy Hine, WSBA #16317  
11 Shawn Larsen-Bright, WSBA #37066  
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16 U.S. Bank National Association

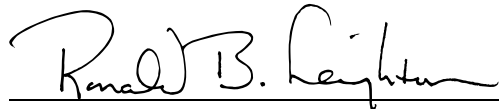
/s/ Peter Tepley  
Peter Tepley (admitted *pro hac vice*)  
  
2001 Park Place North, Suite 1400  
Birmingham, Alabama 35203  
(205) 251-1000  
Attorneys for Defendant  
Sterne, Agee & Leach, Inc.



**ORDER**

IT IS HEREBY ORDERED AND ADJUDGED that pursuant to Fed.R.Civ.P. 60(b)(5), and the above stipulation of the parties, this Court's July 17, 2006 Order (Dkt. #416) and this Court's June 20, 2006 Taxation of Costs (Dkt. #406) are hereby VACATED. Plaintiff U.S. Bank National Association is no longer under any order or judgment to pay \$15,912.73 to defendant Sterne Agee & Leach, Inc. The Clerk of the Court is directed to strike any judgment awarding costs to Sterne Agee & Leach. The Court retains jurisdiction to consider issues of costs after further proceedings.

Done in open court, this 1<sup>st</sup> of August, 2008.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

**Presented by:**  
DORSEY & WHITNEY LLP

/s/ Shawn Larsen-Bright  
Peter Ehrlichman, WSBA #6591  
Curt R. Hinline, WSBA #16317  
Shawn Larsen-Bright, WSBA #37066  
Attorneys for Defendant  
U.S. Bank National Association

**Approved by:**  
HASKELL SLAUGHTER YOUNG & REDIKER LLC

/s/ Peter Tepley  
Peter Tepley (admitted *pro hac vice*)  
Attorneys for Defendant  
Sterne Agee & Leach, Inc.